

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,) 8:09CR453
)
vs.) ORDER
)
JUAN MANUEL SANDOVAL,)
)
Defendant.)

This matter is before the court on the motion to continue by the government ([Filing No. 42](#)). The government seeks a continuance of the trial of this matter which is scheduled for June 1, 2010. Trial of this matter was reset for June 1, 2010 on March 26, 2010 ([Filing No. 39](#)). This motion is made almost at the eve of trial. The government makes no showing of what action the government took to insure the presence of material witnesses since resetting of this matter for trial on March 26, 2010, or if there has been an emergency involved in the scheduling of witnesses. Further, there are two other co-defendants in this matter and the motion is silent as to them. The court is unpersuaded that release of a defendant previously ordered detained as a flight risk and a danger to the community is warranted solely on the basis of a continuance of trial. Upon consideration, the motion is denied.

IT IS SO ORDERED.

ADMONITION

Pursuant to NECrimR 59.2 any appeal of this Order shall be filed with the Clerk of the Court within fourteen (14) days after being served with a copy of this Order. Failure to timely appeal may constitute a waiver of any objection to the Order. The brief in support of any appeal shall be filed at the time of filing such appeal. Failure to file a brief in support of any appeal may be deemed an abandonment of the appeal.

DATED this 26th day of May, 2010.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge